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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,654	04/04/2001	Brian Edward Frazier	10004039-1	3431

7590 02/10/2005

AGILENT TECHNOLOGIES
Legal Department, 51U-PD
Intellectual Property Administration
P.O. Box 58043
Santa Clara, CA 95052-8043

EXAMINER

COURTENAY III, ST JOHN

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/825,654

Applicant(s)

FRAZIER ET AL.

Examiner

St. John Courtenay III

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12 is/are allowed.
- 6) ☒ Claim(s) 13-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.


Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


ST. JOHN COURTENAY III
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Amendment

1. New Grounds of Rejection

Applicant's remarks have been considered, but are deemed to be moot in view of the new grounds of rejection necessitated by Applicant's amendments to the claims. New grounds of rejection under *35 U.S.C. §102* are set forth below with respect to new claims 13-18.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 13-18 are rejected under 35 U.S.C. § 102(b) as being anticipated by James (U.S. Patent 5,574,922).

As per independent claim 13:

James teaches a method for controlling a hardware system, comprising:

- providing a common interface [see application interface shown in Tables 6-9B, discussion col. 27, beginning line 48] in a software system for each of a set of control points [i.e., locked registers or memory locations, col. 5, lines 8-27], of the hardware system, each common interface including a locking mechanism around a physical address associated with the corresponding control point [e.g., see "lock register" and associated discussion col. 5, beginning line 9;

see Tables 4 and 5, FIGS. 2A-2C and 3, i.e., the "program that utilizes conditional locked memory update instructions" and associated discussion col. 7, lines 38-43]; and

- coordinating accesses to the common interfaces for the control points of each of a set of sub-portions of the hardware system [e.g., James teaches an invention "directed to a system and method for executing two or more instructions which can be used to access memory locations in a locked fashion" and associated discussion col. 4, beginning line 67, discussion cont'd col. 5; James teaches the use of local and shared memory spaces (i.e., "sub-portions of the hardware system"), see discussion col. 7, beginning line 3].

As per dependent claim 14:

James teaches providing a common interface includes providing a method which is adapted to alter a value applied to the corresponding control point according to a hardware implementation of the corresponding control point [e.g., see "lock counter register 136 is set" and associated discussion col. 19, beginning line 62].

As per dependent claim 15:

James teaches coordinating accesses includes coordinating interdependencies among the control points [e.g., see "conditional locked updates" and associated discussion col. 13, beginning line 29].

As per dependent claim 16:

James teaches coordinating accesses includes coordinating accesses among set of groupings of the sub-portions [e.g., see

"Multiple lock operations can be readily supported if the software-based lock update technique is applied to the execution of basic (single-address) lock operations as well" and associated discussion col. 30, beginning line 39].

As per dependent claim 17:

James teaches coordinating accesses further includes coordinating interdependencies among the sub-portions of the corresponding groupings of the sub-portions [e.g., see "Multiple lock operations can be readily supported if the software-based lock update technique is applied to the execution of basic (single-address) lock operations as well" and associated discussion col. 30, beginning line 39].

As per dependent claim 18:

James teaches coordinating accesses further includes coordinating accesses associated with each of a set of functional features of the hardware system [e.g., see "The control unit services interrupts only when the lock register has one of a unlocked set of values" and associated discussion col. 5, beginning line 8] .

4. Indication of Allowable Subject Matter:

Claims 1-12, as amended, appear to be allowable over the prior art of record for at least the reasons argued by Applicant in the response received July 27, 2004. The Examiner notes that independent claim 1 appears to be directed to statutory subject matter because, even though "a software system" is claimed, the body of claim 1 explicitly claims "a hardware system" operatively coupled to the software.

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THIS ACTION IS MADE FINAL

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See **MPEP § 706.07(a)**. Applicant is reminded of the extension of time policy as set forth in **37 CFR 1.136(a)**.

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to **37 CFR 1.136(a)** will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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How to Contact the Examiner:

Any inquiry concerning this communication or earlier communications from the examiner should be directed to St. John Courtenay III, whose telephone number is 571-272-3761. A voice mail service is also available at this number. The Examiner can normally be reached on Monday - Friday, 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, An Meng-AI who can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

All responses sent by U.S. Mail should be mailed to:

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Patent Customers advised to FAX communications to the USPTO

<http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/faxnotice.pdf>

Effective Oct. 15, 2003, ALL patent application correspondence transmitted by FAX must be directed to the new PTO central FAX number:

NEW PTO CENTRAL FAX NUMBER:

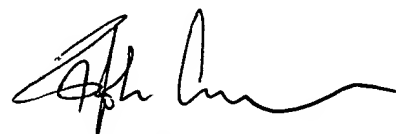
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703-872-9306

- Any inquiry of a general nature or relating to the status of this application should be directed to the **TC 2100 Group receptionist: (703) 305-3900.**

The Manual of Patent Examining Procedure (MPEP) is available online at:
<http://www.uspto.gov/web/offices/pac/mpep/index.html>



ST. JOHN COURTENAY III
PRIMARY EXAMINER